

Amendment No. 1 to HB3619

Niceley
Signature of Sponsor

AMEND Senate Bill No. 3461

House Bill No. 3619*

by deleting all language after the enacting clause of the introduced bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 7, Part 1, is amended by deleting such part in its entirety and by substituting the following as a new Part 1:

§53-7-101.

The general assembly finds and declares that issues related to the humane handling and slaughter of surplus domestic horses are not best addressed by banning the humane slaughter of surplus domestic horses or by exporting such horses to foreign countries for slaughter. The general assembly recognizes the necessity and benefit of Tennessee's ability to foster the transport and processing of this state's surplus domestic horses. Through this part, the general assembly intends to encourage the location of equine slaughter and processing in facilities in Tennessee that meet all sanitary, safety and humane slaughter requirements established by state or federal law or regulation.

§ 53-7-102.

(a)

(1) If an action is filed in circuit or chancery court to challenge the issuance of a license or permit for an equine slaughter or processing facility, the court shall require a surety bond of the person filing the action. The bond shall be set at an amount representing twenty percent (20%) of the estimated cost of building the facility or the operational costs of an existing facility.

(2) The bonding requirements of this subsection shall not apply to an indigent person.

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(b) If the bond required under subsection (a) is not paid within thirty (30) days of the filing of the action, the action shall be dismissed.

(c) An action to challenge a decision to issue or renew a license or permit shall be brought in the circuit or chancery court jurisdiction in which the equine slaughter or processing facility is proposed to be or has been built, as applicable.

(d) If the court determines that a judicial action challenging a license or permit for an equine slaughter or processing facility is without merit or is for an improper purpose designed to harass, cause delay, or improperly interfere with the ongoing operation of such facility, the court may award attorney fees and costs incurred in defending the action.

(e) If a person files an action against the operation of an equine slaughter or processing facility and does not prevail, such person is liable for all financial losses the facility suffers if the court issues an injunction that halts operations while the action is pending.

(f) Nothing in this part shall be construed to prevent a defendant in an action brought pursuant to this section from filing an action or counterclaim for any claim for relief available by law or to limit the recovery that may be obtained in a claim for relief.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it, and shall apply to all actions filed pursuant to this act on or after such date.